

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

.....X

JUAN/JUANA DOES 1- 377 individually
and/or as legal heirs and/or personal representatives of
JOSE/JOSEFINA DOES 1A-375 (said names being fictitious),

07 Civ 10300

Plaintiffs,

- against -

CHIQUITA BRANDS INTERNATIONAL, INC.,
INDIVIDUALS "A THROUGH J" (whose identities
are presently unknown) MOE CORPORATIONS 1-5
and MOES 6-25 (said names being fictitious).

Defendants.

.....X

AFFIDAVIT OF JONATHAN C. REITER IN SUPPORT OF
PLAINTIFFS' EX-PARTE MOTION TO COMMENCE AND
PROCEED WITH ACTION USING PSEUDONYMS

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

JONATHAN C. REITER, being duly sworn, deposes and says:

1. I am the attorney for the plaintiffs in this action an submit this affidavit in support of Plaintiffs' motion to permit the filing and prosecution of this action using pseudonyms due to the real and imminent threat of death or serious injury to which plaintiffs will be subjected if their identities are made public.

2. All of the plaintiffs are citizens of Colombia, South America and reside in that country.

3. As set forth in detail in the complaint, this is an action seeking damages for terrorism, war crimes, crimes against humanity, extrajudicial killing, torture and wrongful death of plaintiffs' decedents and/or individual living plaintiff(s) committed by defendant Chiquita Brands International, Inc. (CHIQUITA), its officers, directors, agents, servants and employees,

acting in concert with, aiding, abetting, facilitating, soliciting, directing, orchestrating and conspiring with Colombian paramilitaries in those atrocities, in violation of the Law of Nations, the laws of the United States of America and of individual states, including but not limited to the State of Ohio, and the laws of the Republic of Colombia. (Copy of Complaint annexed as Exhibit A)

4. The plaintiffs are the heirs of persons who were murdered by the AUC, or are themselves the victims of torture by the AUC (Autodefensas Unidas de Colombia), a right wing paramilitary organization in Colombia. The AUC was designated as a global terrorist organization by the United States government in 2001. On March 12, 2007, defendant CHIQUITA pled guilty to making illegal payments to the AUC. The complaint alleges that defendant CHIQUITA aided, abetted and conspired with the AUC in the murders, tortures and other atrocities detailed in the complaint *inter alia* by providing money, munitions and other aid to the AUC.

5. It is therefore apparent that the AUC has both the means and the demonstrated propensity to use extreme acts of violence against the plaintiffs and their families.

6. Annexed hereto is the affidavit of William Acosta of Equalizer Private Investigations, a private investigation and security firm that was retained by your deponent to conduct an investigation into the facts of this case. Mr. Acosta has spent the last two months in Colombia obtaining evidence of AUC murders and other atrocities involving the plaintiff's and their decedents, as well as other atrocities, mass executions and mass burials involving the AUC in the banana growing regions where CHIQUITA was operating. This is an ongoing investigation. Mr. Acosta has informed me that revealing the names of the plaintiffs would

expose them and their families to a clear and present danger of death, torture or other serious injuries.

7. A motion essentially identical to the instant motion to proceed anonymously was granted by Judge Hogan in the United States District Court for the District of Columbia in the case of Jane/John Does 1-144 v. Chiquita Brands International, Inc. and David Does 1-10, 07 Civ. 1048, a case which also seeks damages for AUC atrocities committed in Colombia, aided and abetted by defendant, CHIQUITA. (Copy of Order dated June 7, 2007 is annexed as Exhibit “B”)

8. Defendants will not be prejudiced, since the identities of the plaintiffs will be disclosed to them under an appropriate confidentiality order.

WHEREFORE, it is respectfully requested that the Court grant the within motion.

Dated: New York, New York
November 20, 2007

JONATHAN C. REITER (JR 7522)
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PLAINTIFFS' PROPOSED ORDER
GRANTING THE USE OF PSEUDONYMS

This matter is before the Court on Plaintiffs' *Ex-Parte* Motion to Commence and Proceed
With an Action Using Pseudonyms. Upon review of such motion and the accompanying
Affidavits of Jonathan C. Reiter, Esq. and William Acosta and the Memorandum of Law in
support of such motion, it is hereby:

ORDERED, that such motion is GRANTED; and it is hereby further

ORDERED, that Plaintiffs may proceed with the commencement of this action using
pseudonyms; and finally it is further

ORDERED, that Plaintiffs shall disclose their names and addresses to the Defendants in
this action only upon entry of an appropriate confidentiality agreement or order.

Dated: _____

U.S. DISTRICT COURT JUDGE